

Exhibit 22

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF OHIO
3 EASTERN DIVISION

4 IN RE: NATIONAL) MDL No. 2804
5 PRESCRIPTION OPIATE)
6 LITIGATION) Case No.
7) 1:17-MD-2804
8)
9 THIS DOCUMENT RELATES TO) Hon. Dan A.
10 ALL CASES) Polster
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Monday, May 13, 2019

HIGHLY CONFIDENTIAL - SUBJECT TO FURTHER
CONFIDENTIALITY REVIEW

Videotaped Deposition of JAMES E.
RAFALSKI, held at Weitz & Luxenburg PC, 3011
West Grand Avenue, Suite 2150, Detroit,
Michigan, commencing at 9:20 a.m., on the
above date, before Michael E. Miller, Fellow
of the Academy of Professional Reporters,
Registered Diplomate Reporter, Certified
Realtime Reporter and Notary Public.

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1 MR. FULLER: Form.

2 Go ahead.

3 A. My answer would be the same.

4 I -- I don't know the pure math of that
5 question, but with over 1 million doctors,
6 99.9%, I'm not sure --

7 BY MR. NICHOLAS:

8 Q. Do you think the vast majority
9 of doctors are trying to do the right thing?

10 MR. FULLER: Form, scope.

11 MR. NICHOLAS: You can answer.

12 A. I would agree with that, that I
13 have no experience or knowledge that says,
14 you know, anything otherwise than the vast
15 majority. I guess we could maybe dispute
16 about what vast majority is, but...

17 BY MR. NICHOLAS:

18 Q. When do you believe the opioid
19 crisis began?

20 A. I would probably say the onset
21 would be the Internet pharmacy activity, the
22 illicit Internet pharmacy activity, I think
23 1999, around in that time period.

24 Q. Okay. When did you first
25 become aware that there was an opioid crisis?

1 Around that time?

2 A. No. Probably when I started my
3 employment with the DEA in the academy.

4 Q. 2004?

5 A. Yes, sir.

6 Q. Is there a point at which you
7 believe the opioid crisis became common
8 knowledge?

9 A. Yes.

10 Q. When is that?

11 A. Well, could I get a
12 clarification of what you believe is common
13 knowledge? Because what's common knowledge
14 to me is -- would you -- would your
15 definition of that be just if you were to
16 stop somebody and say what is an opioid?

17 Q. How about known to government
18 entities, cities, towns, counties, states.

19 MR. FULLER: Form.

20 A. Well, I think it's -- I think
21 it probably coincided with when the Internet
22 pharmacy illicit conduct got to --
23 identified. There was a study that was being
24 done and it was published and showed the
25 conduct of these Internet pharmacies and

1 distributions not pursuant to a prescription.

2 I think when that report was
3 published, I think, at least in regards to --
4 that's my belief, that that's when it pretty
5 much disclosed the scope of that activity.

6 BY MR. NICHOLAS:

7 Q. When was that study published,
8 roughly?

9 A. 2004-2005.

10 Q. Okay.

11 A. Now, just so I can clarify my
12 question, I think the DEA knew about it prior
13 to that.

14 Q. Yeah.

15 A. So just the clarification was
16 it would be just like when it really came out
17 and people should have a better awareness of
18 it, that would make -- okay?

19 Q. Okay. Yeah, I understand.

20 Now, each year the DEA sets a
21 quota as to the number of controlled
22 substances that are to be made available
23 nationwide; is that correct?

24 A. Yes, sir.

25 Q. Okay.